

**REMARKS**

Claims 1-31 were pending. Claims 11, 13, 20, 25, and 26 have been amended. Accordingly, claims 1-31 remain pending.

Applicant has amended the Title and the Specification as requested by the examiner in paragraphs 3 and 4 of the present Office Action.

Applicant has amended the Description to include the reference numbers of FIGs. 4, 5, and 7, as indicated in paragraph 5 of the present Office Action.

FIG. 5 has amended as requested in paragraph 6 of the present Office Action. A replacement sheet for the revised FIG. 5 is attached hereto.

The language regarding “a contents” in each of claims 11, 13, 25, and 26 has been amended as requested in paragraph 7 of the present Office Action.

Paragraph 8 of the present Office Action requests amendment of the language “op codes” in claim 19. Applicant assumes claim 20 was intended and has amended claim 20.

Claim 20 was rejected under 35 U.S.C. § 112, second paragraph, for lack of antecedent basis. Applicant has amended claim 20 to remove the ambiguity.

**Allowable Subject Matter**

In the present Office Action, claims 15-16 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates examiner’s conclusion that the above claims relate to patentable subject matter. However, Applicant requests reconsideration of all pending claims in view of the following discussion.

**IN THE DRAWINGS**

FIG. 5 has been amended to (1) remove the connection from step 540 to step 502, and (2) add a connection from step 540 to step 538. A replacement sheet for the amended FIG. 5 is attached hereto.

In the present Office Action, each of claims 1-14, 17-27, and 30-31 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,933,627 (hereinafter "Parady") in view of other cited art. Applicant respectfully traverses these rejections and requests reconsideration of all claims.

The Parady Patent is Not Prior Art

The Parady patent is not prior art to the present application. The American Inventors Protection Act of 1999 amended 35 U.S.C. § 103(c) to state that art which qualifies as prior art only under § 102(e), (f) or (g) is not available for rejections under § 103 if that art and the subject matter of the application under examination were owned by or subject to an obligation of assignment to the same assignee at the time the invention was made. This change to 35 U.S.C. § 103(c) is effective for any application filed on or after November 29, 1999.

The present application is an application for patent filed after November 29, 1999. At the time the invention was made, the subject matter of present application and the Parady patent were both owned by or subject to an obligation of assignment to the same assignee, Sun Microsystems, Inc., as evidenced by the assignment for the present application recorded in the PTO at reel 12499, frame 0364, and the assignment for the Parady patent recorded in the PTO at reel 8171, frame 0669. Therefore, the amendment to 35 U.S.C. § 103(c) made by the American Inventors Protection Act of 1999 applies to the present application and operates to exclude the Parady patent as available prior art for rejections under 35 U.S.C. § 103.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-37601/RDR.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Replacement Sheet (Fig. 5)

Respectfully submitted,

  
\_\_\_\_\_  
Rory D. Rankin  
Reg. No. 47,884  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,  
Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800

Date: 11/3/04